

HISTORIC PRESERVATION COMMISSION

Minutes

October 9, 2008

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, October 9th in the Council Chambers at the City Hall, 217 S. Main Street.

The meeting was called to order by the Chairperson, Anne Lyles. She read the purpose and procedure for the meeting.

In addition to Anne Lyles, the following members were present and introduced: Jack Errante, Ronald Fleming, Susan Hurt, Deborah Johnson, Judy Kandl, Andrew Pitner Kathy Walters, and Anne Waters.

Requests for Certificates of Appropriateness

H-25-08 112 S. Fulton St. – Sidney Jonathan Cole Blackmer, owner

Request: Demolition and removal of primary structure.

Prior to testimony from Sidney Blackmer, Ms. Lyles called Janet Gapen to give comments in reference to the case

Janet Gapen reminded persons present that the Historic Preservation Commission is bound by the NC General Statutes when it comes to demolition of properties in historic districts. The Commission is not granted the authority to outright deny demolition and must be delayed for a maximum of 365 days from the time the Certificate of Appropriateness is authorized by the commission.

Sidney Blackmer, along with Janet Gapen, was sworn in to give testimony for the case.

Sidney Blackmer testified that his request is to demolish the building because it is economically unfeasible to restore it. He said, "I can make better use of the land without the structure on there." Mr. Blackmer said he would like to demolish the main structure and keep the garage. He further testified that he will make sure that the timbers, brick and other items of value are removed from the house and not destroyed.

In response to Anne Waters who asked Mr. Blackmer if he already had plans for the lot, he said his options are either to sell the cleared lot for construction of an appropriate building, or build an appropriate structure on it to connect with the existing garage.

Public Hearing

Jack Thomson, Managing Director, Historic Salisbury Foundation, was present and sworn to speak. He read a prepared statement on behalf of the Foundation in opposition to the request.

Janet Gapen read letters of opposition that were received from property owners not present - Edward Norvell, 128 S. Fulton St., and Jon Planovsky and Robert Lambrecht, 124 S. Ellis St.

In his response to the statements made in opposition, Mr. Blackmer gave a brief history of his father's career. He testified that he had offered to give the house to the Foundation to restore and keep as a public structure for the City of Salisbury that would bring people from out-of-town to Salisbury. His only requirement was that one room be dedicated to the memory of his family. He challenged everyone who was opposed to the demolition to come up with a plan to make that happen.

Mr. Blackmer informed the commission that several years ago someone brought to his attention that the bank next door to the property had an interest in moving the house to another site in order to use half the lot to increase the bank's parking; however he was never told. He said, "That would have at least saved the structure."

Mr. Blackmer said he could not pay \$400,000 to restore the house but as a last resort, he is prepared to have the lot cleared.

Motion

Kathy Walters thanked Mr. Blackmer for his comments and stated that she feels 365 days hopefully would be sufficient for his desires and those of the community to reach an accommodation. She proceeded with the motion as follows: "I move that the commission find the following facts concerning Application #H-25-08 – that Sidney Jonathan Cole Blackmer, owner of 112 S. Fulton St. appeared before the commission and sought a Certificate of Appropriateness to demolish and remove the primary structure on the property; that Jack Thomson appeared before the Commission on behalf of the Historic Salisbury Foundation to oppose this request, and letters from Edward Norvell and Jon Planovsky & Robert Lambrecht were read into the record also in opposition to the request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 5 – Demolition or Relocation – Demolition, pages 68-69, guidelines 1 and 2 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-25-08 be granted with the 365-day delay to Sidney Jonathan Cole Blackmer, owner of 112 S. Fulton St., to make the changes detailed in the application."

Susan Hurt suggested that a sub-committee be appointed to work with the applicant during the 365-day delay to seek alternatives to demolition.

Janet Gapen stated that a committee could be named during the "other business" session of the meeting.

Ronald Fleming seconded the motion; all members present voted AYE.

H-26-08 220 S. Church St. – AT & T, owner

Request: HVAC renovations and the installation of 2 new cooling towers on the roof.

Ginger Scoggins, Consulting Engineer for AT & T, was sworn to give testimony for the request.

Ms. Scoggins began her testimony with an apology for starting the project prior to approval from the commission. She said they were not aware that the commission's review required a separate process from the issuance of building permits.

Ms Scoggins informed the Commission members that the project is a mechanical replacement project only. She said they are replacing some obsolete equipment on the roof that has been in place for 20 years; there would be no building or modifications to the structure other than the roof. She said equipment failure throughout the process has created the need for temporary equipment to be brought in until the new equipment is up and running. She stated that the temporary equipment was brought in by the facility manager so that the building could continue to have phone and internet service until completion of the project, approximately 2-3 weeks.

She informed the Commission that the owner has been very sensitive to the noise issue caused by the chillers on the roof so they have been replaced with cooling towers, also on the roof, which are much quieter and should alleviate noise concerns in and around the building. The new equipment that is going on the roof, she said, will be half as loud as the chillers that are being replaced. She said the new cooling towers and the chillers that will now be in the basement rather than the roof should be operational by November 2nd.

In response to a question from Jack Errante, Ms. Scoggins said the new chilling towers are already in place on the roof with screening. She said they tried to match the screening that was there as closely as possible.

Responding to Judy Kandl who asked what equipment would come off the roof once the project was completed, Ms. Scoggins said the old chillers and the old screen posts would be removed. She then presented a new plan to show the 2 sides of the building where the screening is located on one side facing Jackson St., and one side facing Bank & Church.

Public Hearing

Barbara & Mark Perry, 131 W. Bank St. were sworn to speak in opposition to the request. Mrs. Perry testified that their main complaint was the horrible noise which is still running at night. In addition she said everyone in the vicinity of the building is opposed to the screening because it doesn't go with the building or the neighborhood. She said the screening calls your attention to it.

Mrs. Perry informed Ms. Scoggins that a neighbor at 228 W. Bank St. who could not be present asked that she convey for him the fact that he has had to move from his bedroom to another side of the house because of the noise. In addition, he is opposed to the screening.

Mark Perry spoke of his concern that the HPC requirements are not made known at the time a permit is issued. He stated that a lot of problems could have been avoided if the proper notification had been given.

Janet Gapen read correspondence from Richard Huffman stating his concerns about the noise from the building.

Ms. Scoggins stated again that the chiller should really not be operating as often as it was when the project began. She stated that they do not have a lot of options until after the project is completed on November 2nd; however, the noise is supposed to cease at night.

Deliberation

Kathy Walters asked Ms. Gapen if the Commission would be in order to make a motion stating that if the surrounding neighbors are still impacted with the noise after the project is completed the owner would have to come back to the Commission to request additional screening.

Janet Gapen informed the Commission that there is not any HPC guideline that addresses noise. She reminded them that their review is limited to changes to the building and to the appearance. The noise ordinance, she said, is enforced by the Police Department. She further stated, "If there continues to be a problem and the screening needed to be changed subsequent to whatever maybe discussed or approved tonight they would need to come back."

Ms. Scoggins stated that AT&T wants to be a friendly neighbor which is the reason they chose towers over the chillers because there would be less noise from the towers even though they are taller and more expensive. She said she had no doubt that they would not be willing to work on the screening if something else was decided upon. She further testified that the existing panels have been on the roof at least 15 years and the chillers for 20 years.

Judy Kandl noted the possibility that the panels might be a cause for the noise issue because of their closeness to the mechanical equipment which could be a hard surface compounding the problem of the acoustics. However, Ms. Scoggins said she thought the panels were probably insulated in order to allow the sound to hit the panels and vibrate toward the front of the building.

In reference to comments made by Anne Waters concerning the screening, Ms. Scoggins said metal panels are available in all different colors but their intent was to match what was already there.

Commission members as well as the adjoining property owners present agreed that the panels should be changed to a color that would better match the building as closely as possible. Barbara Perry said their reference would be the darker color or even better, the same color as the brick. Ms. Scoggins said the existing color is a galvanized gray but she would talk to their contractor to see what the options were and the longevity of painted-on enamel.

Janet Gapen said the motion should indicate that the panels should be in a color to match the building.

Susan Hurt made the motion as follows: “I move that the Ginger Scoggins, agent for AT &T, owner of 220 S. Church Street appeared before the Commission and sought a Certificate of Appropriateness to proceed with rooftop HVAC renovations. – that Barbara and Mark Perry appeared before the Commission to express concerns about this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Utilities & Energy Retrofit, pages 42-43, guideline 10 of the Non-Residential Historic District Design Guidelines; no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-26-08 be granted to Ginger Scoggins, agent for AT&T, owner of 220 S. Church Street to make the changes detailed in the application with the following changes agreed to by the applicant – that the new screening around the chillers on the roof will match the color of the main brick on the building.”

Jack Errante seconded the motion; all members present voted AYE.

H-27-08 229 S. Shaver St. – Gray’s Chapel FBH Church of God, owner Odessa W. McCoy, applicant

Request: Installation of new stained glass windows in all the existing window frames.

Odessa McCoy, applicant, affirmed to tell the truth prior to giving testimony for the request. Staff presented slides.

Pastor McCoy testified that they were requesting new stained glass for the church which would be placed in the existing window frames. The glass needs to be replaced because of discoloration as well as some glass panes being broken.

In response to Judy Kandl who referenced the additions on the front and back of the church, Pastor McCoy stated that the addition on the front is 2 restrooms. She said they were requesting the same new stained glass for those windows as well.

In response to Ms. Kandl’s question regarding the originality of the existing windows, Robert Wood came forward to give testimony following his affirmation to tell the truth.

Mr. Wood testified that the existing windows were in the church when his grandfather purchased it in 1952. He said the church was built in 1922. Mr. Wood said the new windows in the addition would match those being replaced. He further testified that the existing windows are operable but could not open because of the condition they were in.

Pastor McCoy said the colored glass would have a textural design in it but not bubbly as the existing. In response to Anne Lyles, she said the new windows would have 2 sections of glass just as the existing ones do.

Public Hearing

There was no one present to speak in support or opposition to the request.

Deliberation

Judy Kandl stated that the commission had 2 issues to consider:

- (1) A request to remove what appears to be original solid panes of glass with a replacement of new colored, stained glass panels.
- (2) Recognition of the fact that if the commission rules that original glass must be replaced with like materials or repaired as per the guidelines it will be the owner's responsibility to find the materials needed, if possible.

Jack Errante said that he thinks it would be very difficult to find glass to match the windows in the church

Anne Waters stated that sometimes a property owner (even a church) may have the desire to enhance their property with something that may not be original to the structure. She wondered if there might be some leeway for that as in the desire for stained glass windows vs. operable 2-lite windows.

Janet Gapen informed Commission members that the Commission's design guidelines are guides for determining compatibility and they recommend preserving historic materials when possible but they are not code, so the Commission has discretion to determine compatibility. She said Ms. Water's observation had a very valid point in that over time in history, for various reasons, buildings have been enhanced in different ways. The question is, "Are those enhancements compatible with the original fabric." She suggested that they consider recommending to the property owner that the original glass that is at least in fair condition be packaged and preserved on site.

Commission members agreed that the existing windows in the front addition should remain as they are and not be replaced with the new stained glass windows.

Ronald Fleming made the motion as follows: "I move that the Commission find the following facts concerning Application #H-27-08 – that Odessa W. McCoy and Robert Wood, applicant for Gray's Chapel FBH Church, owner of 229 S. Shaver St., appeared before the Commission and sought a Certificate of Appropriateness to install new stained glass in all the existing window frames, that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 2 – Changes to buildings – Windows and Doors, pages 30-31, Guidelines 1 and 2 of the Non-Residential Historic District Design Guidelines; mitigating factors: (1) undisputed testimony was presented that the glass in the windows have become discolored and need to be replaced (2) consistent with the guidelines the proposed windows are indicative of stylistic

periods; therefore, I further move that a Certificate of Appropriateness for Application #H-27-08 be granted, as amended, to Odessa W. McCoy, applicant for Grays Chapel FBH Church, owner of 229 S. Shaver St. to make the changes detailed in the application with the following changes agreed to by the applicant: the non-gothic windows remain as they are.

Anne Waters seconded the motion; all members present voted AYE.

[6:50 p.m. – Vice-chairman, Susan Hurt presides from this point to the end of the meeting as the Chairperson is excused from the meeting.]

H-28-08 314 N. Ellis St. – Rowan-Salisbury Board of Education/Rowan -Salisbury School System, owner; J. H. Bivens, applicant

Request: Location of a 70 x 14 ft. mobile classroom unit to serve as a central school supply facility.

J. H. Bivens, applicant, was sworn to give testimony for the request.

Mr. Bivens testified that teachers and students receive lots of school supplies through donations from various sources which have been stock piled in a mobile unit at East Rowan High School. However, because of the need for the supplies to be more centrally located for pick-up the school system is requesting that a mobile unit to be located at the central office.

From the slides presented by staff, Mr. Bivens showed a location on the rear side of the building proposed for the mobile unit. He also pointed out a 2nd choice on the upper right hand corner of the lot closer to the railroad tracks where it could be locked inside a fence.

Kathy Walters informed Mr. Bivens that his first proposed location on the grassy area by the paved parking lot toward W. Liberty St. would be in violation of many of the HPC Design Guidelines. She suggested the possibility of placing the unit in another area, also in rear of the property, within that would be scarcely visible at all and would also block the view of 2 existing Butler buildings. Ms., Walters said the area is located within a fenced lot that goes up to another chain link fence which screens off a very elevated railroad track. She said there would be no view from the street or from anything on the other side of the track.

Judy Kandl stated that the guidelines for material and orientation on the site would also need to be considered.

Janet Gapen informed the Commission that even though zoning is not a part of their decision, they should know that under the new Land Development Ordinance, the current zoning of that property does not allow for metal or manufactured units. However, the applicant could apply for rezoning of the property.

Susan Hurt explained to Mr. Bivens that the HPC Design Guidelines have requirements for most aspects in the design of a new building in a historic district. She said, “Trying to match our design guidelines with your proposal is just hard to do.”

Public Hearing

Maria Vandergriff-Avery, 525 W. Liberty St., was sworn to speak in opposition to the request.

Ms. Avery testified that she lives directly across the street from the office building and would have to continuously look at the mobile unit. She also voiced her sentiment of the direction the Ellis Street Graded School District is going right now. She said, “Something like this will put us going into a completely wrong direction.” In addition, Ms. Avery stated that she could not imagine what it would do to her property value.

Deliberation

Commission members agreed that none of the guidelines would support the request.

Mr. Bivens thanked the Commission for their time and withdrew the request.

H-29-08 320 N. Main St. – Donald L. Weinhold, owner

Request: Repairs/renovations to rear façade.

Donna Weinhold Painter, applicant, and Jon Palmer, KKA, were sworn in to give testimony for the request.

Staff presented slides as Jon Palmer testified that the owners would like to reactivate the rear elevation of the property located at the intersection of Kerr & N. Main St. where the front of the building is the framing gallery. He named the following items that would need approval:

- Removal of all abandoned wiring
- Replace broken and missing brick
- Removal of existing windows for thermal efficiency reasons
- Straighten out existing downspouts
- Re-grade area around downspouts to get water away from building
- Removal of vines clinging to the brick
- Removal of existing garage door and replace with insulated aluminum garage door
- New pedestrian entryway
- Rebuild broken sill
- New ramp leading up to the garage door and adjacent stairs
- Regrade and placement of new concrete
- Installation of proposed new light fixture
- New metal awning

Mr. Palmer stated that because of topography and safety issues they would like to flip the entry door from the left side to right side of the building.

In response to Judy Kandl who asked what the plans were for the 2nd story of the building, Mr. Palmer said, “At this point it is a later phase and they are not looking to do anything right now.”

Judy Kandl noting that in addition to moving a door from one side to the other, they also want to move an original door, remove the original windows, and turn one of the original windows into a door system; asked, "Is there a reason why the door is not becoming a door?" Mr. Palmer responded by stating that the existing overhead garage door will be utilized as a garage door to get larger items in and out of the building rather than for vehicles.

In reference to colors, Mr. Palmer gave the following information:

- Frame: clear anodized aluminum
- Metal awning: match as close as possible
- Railings: black
- Finish on the lights: black
- Concrete landing and ramp: left natural

He said there would not be any mechanical equipment added that would need screening.

In response to Jack Errante who asked how the proposed rear door would be utilized since the public entrance is located on the front, Ms. Weinhold the door is needed for better security since they park and enter the building from the back which is very dark . She said the existing garage door is very hard to open.

Referring to questions concerning the windows, Ms. Weinhold testified that the windows to be removed are steel windows.

Susan Hurt said the guidelines says that they are to preserve original windows and doors, and especially pay attention to the openings and shapes, but the request is to take out what's there and put in something different.

Ms. Weinhold said the windows are cracked and have air coming through, and they have been insulated behind with plywood. She said, "What we are doing really is opening those windows up, and even though they will be different windows what you see there up close is really ugly."

Judy Kandl stated that the awnings are also in violation because they do not fit within the window or door opening as stated in the guidelines.

Mr. Palmer said they would be willing to come back with the awning request.

Janet Gapen informed the Commission that she could see that there is an accessibility issue at the rear of the building. She stated that the Secretary of Interior Standards encourage preservation of the character defining features and the historic fabric whenever possible but it also does not completely rule out adapting buildings for modern uses.

Kathy Walters made the following motion: "I move that the Commission find the following facts concerning Application #H-30-08 – that Donna Weinhold Painter, owner of 320 N. Main St., and Jon Palmer, architect, appeared before the Commission and sought a Certificate of Appropriateness to make repairs and renovations to the rear façade ; that no one appeared before

the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Side & Rear Facades, pages 26-28, guidelines 7-9; Architectural Details & Ornamentation, page 29, guidelines 1-4; Windows & Doors, pages 30-31, guidelines 1,2,3,6,8,10 and 11; Chapter 4 – Site Features & District Setting – Signage & Awnings, pages 54-56, guidelines 11,12,13 and 15 of the Non-Residential Historic District Design Guidelines; mitigating factors: The design was amended prior to the Commission meeting to move the back public entrance door from the left side to the rear side of the façade; therefore, I further move that a Certificate of Appropriateness for Application #H-29-08 be granted to Donald Weinhold and Donna Weinhold Painter, owners of 320 N. Main St. to make the changes detailed in the application: they will return to the Historic Preservation Commission at a later time for other items.”

Jack Errante seconded the motion; all members present voted AYE.

H-30-08 120 S. Main St. – Evening Post Publishing Company

Greg M. Anderson, applicant; Ramsay, Burgin, Smith, agent

Request: Façade repair uplift – Demolish exterior ceiling at covered dining space, demolish metal awning, install new canvas awning and flashing, install new exterior ceiling with lighting, repaint metal façade.

The Chair approved Judy Kandl to be recused for the hearing of this request.

Greg Anderson was sworn to give testimony for the request.

Mr. Anderson informed the Commission that there is a leak between the façade and the awning causing the outside ceiling to deteriorate. He testified that while repairing the leak they would like to replace the awning, paint the metal façade, and install fluorescent down lights.

The proposed paint colors were presented for approval.

Judy Kandl was sworn in to explain the color scheme. She stated that 2 different color combinations have been presented because (1) a cast stone color could be used that is different than a brick color to recognize the fact that the front of the building is not original with a contrast color being the new awnings and other painted details (2) the darker color was proposed in case the Commission feels that it would be a more consistent look with what it would have historically looked like if brick was the original fabric of the building.

Public Hearing

There was no one present to speak in support or opposition of the request.

Deliberation

Susan Hurt stated that it would more appropriate not to try to make a false front look like the brick that is underneath it. She said, “I think it is more appropriate to paint it for what it is.” However, she did think that the proposed colors for the awning were appropriate.

In reference to questions concerning the exterior ceiling with lighting, Mr. Anderson testified that the fluorescent lights are located in the sidewalk dining area. He said he did not know if they would be round or tube but the round can lights would be fine.

Andrew Pitner made the motion as follows: “I move that the Commission find the following facts concerning Application #H-30-08 that Greg Anderson, applicant for the Evening Post Publishing Company, owner of 120 S. Main St., appeared before the Commission and sought a Certificate of Appropriateness to do a façade repair and uplift, demolish the exterior ceiling of the covered dining space, replace the existing metal awning with new canvas awning and flashing, install a new exterior ceiling with can lighting, and repaint the metal façade in colors consistent to the color samples presented; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Storefronts, pages 20-22, , guideline 1, and Upper Facades, pages 23-25, guidelines 1 and 2 of the Non-Residential Historic District Design Guidelines; there were no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-30-08 be granted to Greg Anderson, applicant for the Evening Post Publishing Company, owner of 120 S. Main St., to make the changes detailed in the application.”

Jack Errante seconded the motion; all members present voted AYE.

Other Business

Minor works: There were no questions pertaining to the submitted minor work approvals.

Committee for the Blackmer House: The committee will be selected at the November meeting. In response to Jack Errante who asked if a member of DRAC should be included on the committee, Janet Gapen stated that the committee should include only Commission members.

Judy Kandl shared with the Commission that she has noticed when filling out applications for HPC building permits and electrical permits in another municipality and the first line on all of them says “if you do not have a Certificate of Appropriateness you will not get your permit.”

Janet Gapen replied that she has tried to work with the county to make sure that the information about historic districts is communicated but that has not yet happened. However, recently in a conversation with county attorney, Jay Dees, he stated that the county is in the process of getting new software. He made note to make sure that in the design of the software it would include questions pertaining to the historic district in it. She said they would need a list of addresses located in a historic district so that in some manner the addresses would come up as a historic district property.

Minutes

The August minutes were approved with corrections. The September minutes will be approved at the next meeting.

Adjournment

There being no additional business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Susan Hurt, Vice-Chairperson

Judy Jordan, Secretary